

JOURNAL OF THE HOUSE.

Thursday, December 9, 2004.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mrs. Harkins of Needham in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

God, Our Creator, in Whom we find the ultimate sources of forgiveness and truth, we look to You for direction and guidance as we address pending legislative issues. In Your goodness, help us to make prudent, thoughtful and those most difficult decisions. In this season of lights, joy and goodwill towards all, we join the Jewish Community in celebrating the biblical festivities of Chanukah. The observance reminds us of Your concern and love for us. May light which we associate with this season of the year enable us to see the personal dignity and recognize final destiny of all people whom You created in Your image.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Pledge of
allegiance.

At the request of the Chair (Mrs. Harkins), the members, guests and employees joined with her in reciting the pledge of allegiance to the flag.

Message from the Governor.

Needham,
public
construction.

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to exempting a certain project in the town of Needham from the provisions of Chapter 193 of the Acts of 2004 (House, No. 5150) was filed in the office of the Clerk on Wednesday, December 8.

The message was read; and it was referred, on motion of Mr. Donato of Medford, with the accompanying draft of a bill, to the committee on Rules.

Mr. Scaccia of Boston, for said committee, on the foregoing message, then reported a Bill exempting a certain project in the town of Needham from the provisions of Chapter 193 of the Acts of 2004 (printed in House, No. 5150). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on further motion of Mr. Donato, the bill was read a second time forthwith. reading.

Pending the question on ordering the bill to a third reading (Mr. Donato of Medford being in the Chair), Mrs. Harkins of Needham moved that the bill be amended by adding at the end thereof the following section:

“SECTION 2. This act shall take effect upon its passage.”.

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The amendment was adopted; and the bill, as amended, was ordered to a third reading.

Under suspension of the rules, on further motion of Mrs. Harkins, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, its title having been changed by said committee to read: “An Act exempting a certain project in the town of Needham from the provisions of certain public construction requirements.”. The bill (printed in House, No. 5150, amended) then was sent to the Senate for concurrence.

Resolutions.

Mrs. Harkins of Needham having returned to the Chair,—

Resolutions (filed with the Clerk by Representatives Malia of Boston, Fox of Boston, Sánchez of Boston and Walsh of Boston) on the fiftieth anniversary of the Lemuel Shattuck Hospital, were referred, under Rule 85, to the committee on Rules.

Lemuel
Shattuck
Hospital.

Mrs. Harkins of Needham, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Donato of Medford, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Resolutions (filed with the Clerk by Mrs. Paulsen of Belmont) congratulating Helen Tafe O'Donnell on the occasion of her one hundredth birthday, were referred, under Rule 85, to the committee on Rules.

Helen
O'Donnell.

Mrs. Harkins of Needham, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mrs. Paulsen, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petition.

Mr. DeLeo of Winthrop presented a petition (accompanied by bill, House, No. 5149) of Robert A. DeLeo (by vote of the town) for legislation to exempt certain positions in the town of Winthrop from the provisions of civil service law; and the same was referred to the committee on Public Service. Sent to the Senate for concurrence.

Winthrop,
civil
service.

Papers from the Senate.

The House Bill authorizing Martha's Vineyard affordable housing covenants (House, No. 1510) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out section 2 and inserting in place thereof the following 2 sections:—

Martha's
Vineyard,
housing.

“SECTION 2. Section 3 of chapter 102 of the acts of 1986 is hereby amended by adding the following paragraph:—

The provisions of section 32 of chapter 121B of the General Laws that require that rents of dwelling units in certain projects be a percentage of tenant income shall not apply to any low rent housing project that has not been developed or acquired by the authority with state assistance under section 32, 34 or 41 of said chapter 121B, but

Martha s
Vineyard,
housing.

all units in any such low rent housing project shall be leased to families of low income, elderly persons of low income or handicapped persons of low income.

SECTION 3. This act shall take effect upon its passage.”.

Under suspension of Rule 35, on motion of Mr. Turkington of Falmouth, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn, as changed) was considered forthwith; and it was adopted, in concurrence.

Tenant
relocation
insurance.

The House Bill relative to the parties to insurance coverage for tenant relocation expenses (House, No. 1879) came from the Senate passed to be engrossed, in concurrence, with an amendment in line 6 inserting after the word “unit” the words “if the security deposit or last month’s rent is not already due and owing from the landlord to the tenant”.

Under suspension of Rule 35, on motion of Mr. Mariano of Quincy, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

The following notice was received from the Clerk of the Senate, to wit:

December 9, 2004.

Honorable Salvatore F. DiMasi
Speaker of the House of Representatives
Room 356 State House
Boston, MA 02133

Dear Mr. Speaker:

Senate
appointments.

I have the honor to inform you and your House membership of several appointments to various commission:

The Senate President has announced the appointment of Mary K. Grant to a three-year term on the state board of the Massachusetts Commission on Women (pursuant to Section 66 of Chapter 3 of the General Laws).

The Senate Minority Leader has announced the appointment of the Honorable Michael R. Knapik to the Special Commission established (pursuant to Section 370 of Chapter 149 of the Acts of 2004) to make an investigation and study relative to residential care facilities.

Respectfully,

WILLIAM F. WELCH,
Clerk of the Senate.

Reports of Committees.

Mr. Donato of Medford being in the Chair,—

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the Senate Bill authorizing the town of Millbury to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2493) be scheduled for consideration by the House.

Millbury,
liquor
license.

Under suspension of Rule 7A, on motion of Ms. Blumer of Framingham, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the House Bill establishing a sick leave bank for Sean Glennon, an employee of the Trial Court of the Commonwealth (House, No. 5137) be scheduled for consideration by the House.

Sean
Glennon,
sick leave
bank.

Under suspension of Rule 7A, on motion of Mr. Smizik of Brookline, the bill was read a second time forthwith; and it was ordered to a third reading.

Engrossed Bills.

Engrossed bills

Establishing standards for long term care insurance (see Senate, No. 2415, amended) (which originated in the Senate);

Bills
enacted.

Authorizing the town of Plymouth to lease certain land (see House, No. 4818, changed and amended); and

Validating the proceedings of the presidential primary in the town of Bernardston (see House, No. 5011);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

The Senate Bill relative to crimes against elders and persons with disabilities (Senate, No. 1083, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

Third
reading
bill.

House bills

Relative to the definition of blind persons (House, No. 7) (its title having been changed by the committee on Bills in the Third Reading);

Third
reading
bills.

Relative to the board of assessors of the town of Provincetown (House, No. 4781);

Relative to group marketing plans (House, No. 4808); and

Providing for the appointment of a clerk-treasurer of the Onset Fire District (House, No. 4932);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Order.

On motion of Mr. DiMasi of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o’clock A.M.

Next
sitting.

At four minutes after twelve o'clock noon, on motion of Mr. Cabral of New Bedford (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.